IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Civil Writ Petition No.2953 of 2006

Shri Ugrasen Nandlal — Petitioner
Vs.
Shri Somabhai Patel
since deceased through LRs — Respondents

Mr.Y.S.Patil i/b. Mr.Anilkumar Patil for petitioner.
Mr.J.B.Patel for Resp.Nos.1A to 1D.

CORAM: B.H.MARLAPALLE, J.

April 13, 2007.

P.C.

. This petition filed under Article 227 of the Constitution arises from the decree passed in RAE & R Suit No.4934 of 1973. The said suit came to be decreed by the learned Judge of the Small Causes Court on 29/12/1998 and eviction order was passed in respect of the suit room. The said decree came to be challenged in Appeal No.56 of 1999 and the Division Bench of the Small Causes Court allowed the appeal and set aside the eviction decree by its judgment and order dated 17/11/2005. Hence this petition by the landlord.

. Undoubtedly both the orders above have been passed by the subordinate Courts and the statutory remedy of filing a revision application under Section

115 of CPC is available to the petitioner. When such a statutory remedy is available a writ petition under Article 227 of the Constitution need not be entertained. Hence the petition is disposed with liberty to file a revision application under Section 115 of CPC and if such revision is filed within a period of four weeks from today, the period of pendency of this petition will be taken into consideration for condonation of delay, if any, in filing the revision application. Annexures to the petition memo be returned, if applied for.

(B.H.MARL